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EXAMINER	
MARIAM, DANIEL G	
ART UNIT	**PAPER NUMBER**
2624	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/683,825	**Applicant(s)** MACINNES ET AL.
	Examiner DANIEL G. MARIAM	**Art Unit** 2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-31 is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) 1-31 is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date 10/10/03.
4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 30 defines a computer readable program code embodying functional descriptive material. However, the claim does not define a computer-readable medium or computer-readable memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). The scope of the presently claimed invention encompasses products that are not necessarily computer readable, and thus NOT able to impart any functionality of the recited program. The examiner suggests amending the claim(s) to embody the computer readable program code on "computer-readable medium" or equivalent; assuming the specification does NOT define the computer readable medium as a "signal", "carrier wave", or "transmission medium" which are deemed non-statutory (refer to "note" below). Any amendment to the claim should be commensurate with its corresponding disclosure.

Examiner's Note

2. Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kjallstrom (2002/0010655) in view of Carlin (2002/0093538).

Before advancing the detailed claim rejections, it will be helpful to briefly describe the The three-dimensional, configurable, interactive product display of Kjallstrom. The system of Kjallstrom enables, among other things, a user (via the Internet, world Wide Web, intranet, local area network, stand-alone system and/or an in-store computer) to create and enter an interactive, configurable, virtual product to view, evaluate in real-time, and purchase products. The virtual products may be viewed as individual stand-alone products, or as products and/or collections of products within the context of a showroom. If the user selects an individual product such as a motorcycle, for example, the user may select various components for the motorcycle and view 2D and/or 3D images of the new selections in real-time. Within the context of a virtual showroom, the user may simulate any space, select and configure products within that space and similarly interact, navigate and view product selections simultaneously in 2D and/or 3D representations. In either situation, the user may save the product configuration and/or print out the configured layout. Event signals are sent between one or more data repositories that store the information regarding the products, a 3D viewer and a multimedia viewer, and web enabled language and/or other application language, such as Visual Basic, Java and/or C++. These event signals cause changes to be displayed in real-time. 3D models may be viewed in a 3D viewer and as 3D images and/or photographs, 2D renderings or other in the multimedia viewer or by using web enabled language and/or other application language. A multimedia development tool (such as Macromedia Director or similar products) and application development tool (such as Visual Basic, Visual C++ or JBuilder) are utilized to facilitate communication of event signals and other data. The interactive simulations are created by using 3D models and 3D defined objects by using real time rendering software such as EON Studio or other similar products (See paragraph 0029).

With regard to claim 1, Kjallstrom discloses a real-time, three-dimensional, configurable, interactive product display system and method comprising, (a) communicably accessing, i.e., via internet, a server, i.e., web server or internet server database, with a client, i.e., internet or web-based or stand-alone terminal (b) operating with the client, a client application, i.e., web enabled language and/or other application language, configured for scene editing and rendering, including a graphical user interface (GUI); (c) displaying a 3D scene with the GUI; (d) configuring the 3D scene for being selectively displayed in a plurality of views, i.e., displaying multiple views of the object by rotating the object at various angles; (e) retrieving at least one 3D object from the server; (f) importing the 3D object into the 3D scene to generate a composite, i.e., the loading of the 3d objects into the 3D scene,(g) manipulating the 3D object within the composite for placement and orientation; (h) rendering a 3D image of the composite at the client; (i) selectively reconfiguring, i.e., layout configuration-position, repositioning, or reorienting the 3D objects/products, the 3D image in real time; ((j) applying luminosity characteristics to the 3D image); and (k) rendering, with the client application, a photorealistic 3D view of the composite image, including the (luminosity characteristics) (See paragraphs 0046 –0055; 0037-0039; and Figs. 1-10). Thus, requirements (a through i) are met. Kjallstrom does not expressly call for applying luminosity characteristic to the 3D image, and rendering a 3D view a combined/integrated image including the luminosity characteristic. However, Carlin (paragraphs 0080 and 0153) teaches this feature. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching as taught by Carlin into the system of Kjallstrom to provide luminosity or lighting characteristic to the 3D image/product, and to do so would at least permit the rendered images to appear photo-realistic (See for example, paragraphs 0153, lines 5-7).

With regard to claim 2, the method of claim 1, wherein said configuring (d) comprises selectively displaying the 3D scene in a plurality of views (See for example, Figs. 5, 7, and 9 of Kjallstrom).

With regard to claim 3, the method of claim 2, comprising simultaneously displaying the 3D scene in a plurality of views (See for example, paragraph 0029 of Kjallstrom).

With regard to claim 4, the method of claim 1, wherein said selectively reconfiguring (i) comprises manipulating the 3D object within the 3D image (See for example, paragraphs 0035-0038 of Kjallstrom).

With regard to claim 5, the method of claim 1, wherein said selectively reconfiguring (i) comprises selectively rotating the 3D image to display the 3D scene in a plurality of views (See for example item C2, in Fig. 1 of Kjallstrom).

With regard to claim 6, the method of claim 1, wherein said displaying (c) comprises generating a scene with the client application (See for example, Figs 2A and 2B of Kjallstrom).

With regard to claim 7, the method of claim 1, wherein said displaying (c) comprises downloading a scene from the server (See for example, paragraph 0047 of Kjallstrom).

With regard to claim 8, the method of claim 1, comprising wherein said retrieving (e) further comprises storing the at least one 3D object at the client (See for example, paragraph 0031 of Kjallstrom).

With regard to claim 9, the method of claim 1, wherein said retrieving (e) comprises retrieving a plurality of objects (See for example, paragraph 0047 of Kjallstrom).

With regard to claim 10, the method of claim 9, wherein at least one of said plurality of objects comprises the 3D scene (See for example, Figs. 1-4 of Kjallstrom).

With regard to claim 11, the method of claim 1, wherein said displaying (c) comprises displaying a perspective view of the 3D scene (See for example, Figs. 1-2 of Kjallstrom).

With regard to claim 12, the method of claim 11, wherein said displaying (c) further comprises displaying a two-dimensional (2D) view of the 3D scene simultaneously with the perspective view (See for example, paragraph 0049 of Kjallstrom).

With regard to claim 13, the method of claim 12, wherein said manipulating (g) comprises manipulating the 3D object in one of the perspective and 2D views (See for example, paragraphs 0049 and 0052-0053 of Kjallstrom).

With regard to claim 14, the method of claim 13, comprising automatically updating an other of the perspective and 2D views in response to said manipulating (g) (See for example, paragraphs 0049 and 0053 of Kjallstrom).

With regard to claim 15, the method of claim 1, wherein said displaying (c) comprises displaying a two-dimensional (2D) view of the 3D scene (See for example, Figs. 3 and 5 of Kjallstrom).

With regard to claim 16, the method of claim 1, wherein the importing (f) comprises importing the 3D object into a 2D view of the 3D scene to generate a composite (See for example, paragraph 0047 of Kjallstrom).

With regard to claim 17, the method of claim 1, wherein said manipulating (g) comprises manipulating the 3D object within the composite for scale (See for example, paragraph 0169 of Carlin).

With regard to claim 18, the method of claim 1, wherein said operating (b) comprises retrieving the client application from the server and storing the client application at the client (See for example, paragraph 0047 of Kjallstrom).

With regard to claim 19, the method of claim 1, wherein the retrieving (e) comprises retrieving product ordering information associated with the object, the product ordering information being selected from the group consisting of available materials, available textures and finishes, available sizes, available colors, cost, quantity, and manufacturing lead times (See for example, Fig. 3, and the associated text of Kjallstrom).

With regard to claim 20, the method of claim 19, wherein the retrieving (e) comprises automatically receiving updated objects including the product ordering information therefor, from the server (See for example, paragraph 0049 of Kjallstrom).

With regard to claim 21, the method of claim 20, comprising: (1) calculating total project cost by aggregating the product ordering information for the selected objects (See for example item A1, in Fig. 1 of Kjallstrom).

With regard to claim 22, the method of claim 21, wherein the calculating (1) comprises calculating square footage of surfaces to generate quantity data for surface coverings (See for example, Figs. 12A and 12B of Kjallstrom).

With regard to claim 23, the method of claim 22, wherein the surface coverings are selected from the group consisting of paint, wallpaper, and carpeting (See for example, paragraph 0057; and Fig. 3 of Kjallstrom).

With regard to claim 24, (a) loading a plurality of 3D objects onto a server, at least one of the 3D objects representing a product, i.e., furniture; (b) loading product ordering information, i.e., price, delivery, product description, etc, for each product onto the server; (c) loading a client application configured for scene editing and rendering, including a graphical user interface (GUI), onto the server; (d) combining the plurality of 3D objects, with their integrated product ordering information, to form integrated 3D objects; (e) converting the integrated 3D objects into a format usable by the client application (which corresponds to changeable, reconfigurable, and/or customizable based on user need; (f) storing the integrated formatted 3D objects in a server library, i.e., internet server database; (g) communicably coupling the server to a client, i.e., the communication is established via internet;(h) transmitting the client application to the client; i.e., the downloading of web enabled language and/or other application language; (i) transmitting selected ones of plurality of 3D objects from the server library to a client library, i.e., saving or recording the selected /retrieved objects via internet into the local storage medium as a stand alone terminal. Additionally, the same database, i.e., internet server database, can be used as a client library since the web enabled and/other application used by the user works in cooperation with the internet database server via internet; (j) automatically updating the plurality of 3D objects in the server library, including their associated product ordering information; (k) automatically transmitting updates for the selected ones of 3D objects in the server library, to the client; wherein a user manipulates the selected 3D objects with the client application to generate a 3D scene at the client (See paragraphs 0046 –0055; paragraphs 0029-0032; and Fig. 10 of Kjallstrom). Thus, requirements (a through k) are met.

Claim 25 is rejected the same as claim 19. Thus, argument analogous to that presented above for claim 19 is applicable to claim 25.

With regard to claim 26, claims 1 and 24 encompass the limitation of this claim, and thus argument similar to those presented above for claims 1 and 24 are applicable to this claim. Additionally, applicants' attention is invited to Figures1.

With regard to claim 27, claim 26 encompasses the limitation of this claim, and is rejected the same as claim 26. Thus, argument similar to that presented above for claim 26 is applicable to claim 27.

Claim 28 is rejected the same as claim 1 except claim 28 is an apparatus claim. Thus, argument analogous to that presented above for claim 1 is applicable to claim 28.

With regard to claim 29, claims 1 and 24 encompass the limitation of this claim, and is rejected the same as claims 1 and 24. Thus, arguments analogous to those presented above for claims 1 and 24 are applicable to claim 29.

Claim 30 is rejected the same as claim 29. Thus, argument analogous to that presented above for claim 29 is applicable to claim 30.

Claim 31 is rejected the same as claim 1. Thus, argument similar to that presented above for claim 1 is applicable to claim 31.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Numbers: 5986670, 6091422, 6727925, and 7062722.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DANIEL G MARIAM
Primary Examiner
Art Unit 2624

May 28, 2007